

### **REMARKS/ARGUMENTS**

Reconsideration of this Application and entry of this Amendment is respectfully requested. Upon entry of the foregoing amendment, claims 1-3, 5, 7-13, 15, and 17-26 are pending in the application, with claims 1 and 11 being the independent claims. The amendments to claims 1 and 11 are supported at paragraph 0024 of the specification as filed. Applicant respectfully requests entry of this Supplemental Amendment because the Examiner has not yet taken up the Reply filed on December 21, 2007 and it places the claims in better form for appeal.

#### **Examiner Interview**

Applicant thanks Examiner McKane for the courtesy extended during the telephonic interview on January 8, 2008. During the interview, Examiner McKane explained that she interpreted the oxygen absorbing bag of the Ahlqvist et al. patent as the second sealed interior space of the pouch. Although Applicant believes that the claims are clear in requiring a second sealed interior space of *the pouch* and placing the oxygen absorber inside of the second sealed interior space, Applicant has amended independent claims 1 and 11 above to further clarify them.

#### **35 U.S.C. §103 Rejections**

Claims 1-3, 5, 7-13, 15, and 17-26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Published Application Publication No. 2003/0083616 A1 to Lee *et al.* in view of U.S. Patent No. 5,881,534 to Ahlqvist *et al.* Applicant respectfully traverses the rejection.

Independent claims 1 and 11 have been amended to clarify that the second sealed interior space of the pouch “is formed by a seal line attaching at least one of said first layer and said second layer to itself”. FIG. 1 of the present application shows such a pouch, where “seal line 2 ... creates a second sealed interior space 3 to accommodate an oxygen absorber.” (Specification, ¶0024). As noted in the Reply filed December 21, 2007, the Lee *et al.* publication does not disclose such a pouch, nor the step of placing an oxygen absorber within the pouch. In particular, The Lee *et al.* publication discloses a pouch with a single interior space, as shown in FIG. 4, not two sealed interior spaces, as recited in independent claims 1 and 11. Similarly, the Ahlqvist *et al.* patent does not disclose a pouch with a first sealed interior space and a second sealed interior space. Thus, even if combined, the combination does not disclose or render obvious the features recited in independent claims 1 and 11. Further, the Examiner does not

explain in the Office Action how the references, alone or in combination, disclose or render obvious the first and second sealed interior spaces of the pouch. Claims 2, 3, 5, 7-10, 12, 13, 15, and 17-26 depend from and add features to independent claims 1 and 11, and are thus allowable over the cited references for at least the same reasons as claims 1 and 11. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

Conclusion

For the foregoing reasons, Applicant believes all the pending claims are in condition for allowance and should be passed to issue. The Commissioner is hereby authorized to charge any additional fees which may be required under 37 C.F.R. 1.17, or credit any overpayment, to Deposit Account No. 01-2525. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at telephone (707) 543-0221.

Respectfully submitted,

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